

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 89-417-T - ORDER NO. 90-497

May 3, 1990

IN RE:	Application of Petroleum Express, Inc.,)	ORDER DENYING
	Highway 120, P.O. Box 307, Cliffside,)	MOTION TO
	NC 28024, for a Class E Certificate of)	QUASH TAKING
	Public Convenience and Necessity.)	OF DEPOSITIONS

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion to Quash the Taking of Depositions (the Motion) filed on April 19, 1990, by J.E.D. Transport, Inc., Milner Super Gas, Inc., Kenan Transport Company, Belue Trucking Company, Inc., Eagle Transport Corporation, Moore Oil Company, Inc., Associated Petroleum Carriers, Inc., and Infinger Transportation Co., Inc. (the Intervenor), whereby the Intervenor seek an Order of the Commission quashing the taking of depositions by Petroleum Express, Inc. (the Applicant) of Joey Moore, Murray Hudson, Kathryn Milner, O'Neil Sanders, Gary J. Knutson, Al Dayvault, Burton W. Lanier, and Richard Infinger upon alleged grounds of burden, expense, and lack of relevance.


A Return to the Motion, entitled "Opposition to Motion to Quash", has been filed by the Applicant, alleging a right under S.C. Code, Ann. §1-23-320(c) to take the depositions of the above referenced individuals and that these individuals are not entitled, according to Rule 30(a)(2) of the South Carolina Rules of Civil Procedure, to have their depositions taken in their respective

counties of residence. The general relevance of deposition testimony of those identified by opposing parties as witnesses is also alleged.

The Commission has considered the Motion and the Return, and finds and concludes that the Intervenors have not shown good cause why the above referenced individuals should not be deposed at the Columbia, South Carolina office of counsel for the Applicant as per notice according to the South Carolina Rules of Civil Procedure, which have been made applicable to the instant matter by S.C. Code, Ann., §1-23-320(c).

Therefore, the Commission finds and concludes that the Motion of the Intervenors should be denied, and hereby so orders.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)